tions, adopted by the State Board of Law Examiners, for the year 1901, are included in the little volume.

A DIGEST OF THE NEW YORK CODE OF CIVIL PROCEDURE. Edited by Chas. W. Disbrow, LL. B. Albany: Matthew Bender. 1901. pp. 151.

To digest the Code is certainly a difficult task. Mr. Disbrow in his second attempt has succeeded in producing a work which should be of service to the student eager to acquire sufficient knowledge of the subject to pass the examination for the Bar. But for any other purpose the book is of little value. It is really more of a guide to the Code than a digest—pointing out the more important sections.

The first chapter, which treats of the different courts throughout the States, is probably the best in the book, and gives a clear and concise explanation of the judicial system of the State. It is followed by chapters treating of the different proceedings in an action, supplementary and special proceedings, arbitration, submission of controversy, provisional remedies, state writs, and the proceedings in the Surrogate's Court. Of these the chapters on State writs and on provisional remedies are the best.

The style throughout is too condensed, and grammatical errors are frequent; but some of these should doubtless be attributed to the compositor, rather than to the author. In fact the typographical work is most careless; a striking example of this is furnished by the third paragraph on page 60. But in spite of these defects, the book is worthy of commendation as tending to lighten the student's burden.

THE LAW OF AGENCY. By Ernest W. Huffcut. Second Edition. Boston: Little, Brown & Co., 1901, pp. li, 406.

If every book were as carefully planned, as thoughtfully executed and as well written as the volume now before us, the task of the reviewer would be a pleasant one. Not only is Professor Huffcut's knowledge of his subject full and minute, but it is presented to his readers in a most satisfactory and attractive manner. His analysis of the law of agency is admirable, and every page of the text is characterized by clearness of thought and lucidity of style. In preparing the book, the author has had in mind undoubtedly the average law school student. He has sought to reduce this branch of the law to its simplest terms, to point out its anomalies, to trace its history, to set forth conflicting views, and to account, as far as possible, for the existence of this conflict. While it is preëminently a students' book, we believe that the practicing lawyer will not find it too elementary to be serviceable. On the other hand, he will find it replete with discussion and suggestion not encountered in the ordinary law book, but which will often prove stimulating as well as useful to him. He will discover, also, that the citations are not a hodge-podge of miscellaneous cases, copied from other text

books or from digests, but are carefully selected for their full and authoritative presentation of the doctrines for which they are cited.

The first edition of this work was limited to what the author conceives to be agency proper, and did not deal with the relations of master and servant. In this edition, the whole field of agency, using that term in its ordinary sense, is covered. Accordingly this volume is divided into two books, the first of which presents the law of principal and agent, the second, the law of master and servant. Even Book First, however, which contains the substance of the first edition, has been carefully revised—indeed rewritten to a considerable extent; and Book Second is entirely new.

The author holds that the distinction between the law of principal and agent, and the law of master and servant, is fundamental; that it is disclosed "(1) in the nature of the act authorized, and (2) in the nature of the obligation resulting from the performance of the act, and (3) in the nature of the legal test fixing the constituents' (the principal's or the master's) liability for an act in excess of authority." Amplifying this statement, he declares that the act which the agent is authorized to do is one which results in the creation of a voluntary primary obligation or undertaking on the part of the principal, while the act which the servant is to do is one which does not result in the creation of a voluntary primary obligation, but may result in the breach of an existing one. In other words the agent's act generally subjects the principal to a contract liability; while the servant's act generally subjects the master to a tort liability, if any. Whether it is wise or even practicable to separate the law of master and servant from that of principal and agent, by so wide and deep a gulf as that mapped out by the author, seems doubtful to us. But there can be no doubt of the acumen and ability with which he maintains his views on this, as well as on every other topic in this volume.

AN EPITOME OF ROMAN LAW. By W. H. Hastings Kelke, M. A. London: Sweet & Maxwell. 1901. pp. vi, 268.

The requirement of some knowledge of Roman law in the English bar examinations has produced a number of cram books. Mr. Kelke's is a fair specimen of this sort of book. He has used on the whole, the best literature accessible in English and some of the best French treatises. He is also fairly familiar with the text. His book, by reason of its extreme condensation, contains many statements that would be misleading, and some that would be unintelligible, to a student who had not read fuller treatises or heard lectures. To persons, however, who know something about Roman law, the book will be useful for reference.

AN EPITOME OF LEADING CASES IN EQUITY FOUNDED ON WHITE AND TUDOR'S SELECTION. By W. H. Hastings Kelke, M. A. London: Sweet & Maxwell, Limited. 1901. pp. xx, 240.

This is the fourth volume of the series of epitomes which the author has published. With all deference we feel constrained to